



Melissa N. Licker, Esq.  
McCalla Raymer Leibert Pierce, LLC  
485F US Highway 1 S, Suite #300  
Iselin, NJ 08830  
Phone: 732-902-5399  
Fax: 732-902-5398  
NJ\_ECF\_Notices@McCalla.com  
Attorneys for Secured Creditor

Order Filed on January 22, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In re:	Chapter 13
William Carl Muller, Anita Marjorie Muller,	Case No. 18-30084-JKS
Debtors.	Judge: Hon. John K. Sherwood

**CONSENT ORDER ADDRESSING PAYMENT OF ESCROW ON TOTAL DEBT CLAIM  
OR IN THE ALTERNATIVE VACATING THE AUTOMATIC STAY**

The relief set forth on the following pages, number two (2) through five (5) is hereby

**ORDERED**

**DATED: January 22, 2021**

  
\_\_\_\_\_  
Honorable John K. Sherwood  
United States Bankruptcy Court

Page: 2  
Debtor: William Carl Muller, Anita Marjorie Muller  
Case No.: 18-30084-JKS  
Caption of Order: CONSENT ORDER ADDRESSING PAYMENT OF ESCROW ON  
TOTAL DEBT CLAIM OR IN THE ALTERNATIVE VACATING THE  
AUTOMATIC STAY

---

BY AND THROUGH counsel for Nationstar Mortgage LLC d/b/a Mr. Cooper as servicer for U.S. Bank National Association, as trustee for Banc of America Funding 2009-FT1 Trust, Mortgage Pass-Through Certificates, Series 2009-FT1 ("Secured Creditor") and counsel for William Carl Muller and Anita Marjorie Muller (collectively, the "Debtors") with respect to the property known as 219 Highland Ave, River Vale, NJ 07675 (the "Property"), and

WHEREAS Secured Creditor has a secured claim in the amount of \$84,056.30 that is being paid in full through the Debtors' confirmed chapter 13 plan (the "Secured Claim"); and

WHEREAS the Secured Claim does not include any post-petition advances for taxes and insurance made for the Debtors' benefit; and

WHEREAS Secured Creditor filed a Supplemental Proof of Claim at Claim Register #24-1 in the amount of \$21,541.37 for post-petition taxes and insurance for the Property that Secured Creditor paid as they became due; and

WHEREAS Debtors will be paying Secured Creditor's Secured Claim in full through their confirmed chapter 13 plan; and

WHEREAS Debtors have provided Secured Creditor proof of insurance on the Property and arranged for invoices to be redirected from Secured Creditor to the Debtors going forward; and

WHEREAS the Debtors do not object to Secured Creditor's Supplemental Proof of Claim; and

WHEREAS the Court noting the consent of the parties to the form substance, and entry of the within Order, and for good cause shown it hereby

ORDERED AS FOLLOWS:

1. Secured Creditor shall cease making advances for the Debtors' benefit and this loan shall be de-escrowed. The Debtors shall maintain any applicable property insurance and

Page: 3  
Debtor: William Carl Muller, Anita Marjorie Muller  
Case No.: 18-30084-JKS  
Caption of Order: CONSENT ORDER ADDRESSING PAYMENT OF ESCROW ON  
TOTAL DEBT CLAIM OR IN THE ALTERNATIVE VACATING THE  
AUTOMATIC STAY

---

timely pay all post-petition taxes due and owing associated with the Property. The Debtors shall provide proof of such within thirty (30) days of any reasonable request of the Secured Creditor.

2. Debtors shall file an amended plan to include payment of Secured Creditor's Supplemental Proof of Claim with fourteen (14) days of entry of this Order.

3. Except as otherwise expressly provided herein, all remaining non-conflicting terms of the Note and Mortgage not modified herein shall govern the treatment of Secured Creditor's Secured Claim and Supplemental Claim.

4. In the event of any future default on any of the above-described provisions, prior to the Debtors receiving a discharge and the entry of a final decree, Secured Creditor shall provide written notice via first class mail to Debtors at 219 Highland Ave, River Vale, NJ 07675 and by email to Debtors' attorney at john@muranoroth.com indicating the nature of default. The written notice shall provide the Debtors with an opportunity to cure the default within five (5) business days from the date said written notice is placed in the mail (the "Cure Period") and the email is sent to Debtors' counsel. If Debtors fail to cure the default amount and all subsequent payments due prior to the expiration of the Cure Period, then the Secured Creditor may file a notice of default with the Court seeking relief from the automatic stay. In the event of any future default on any of the above-described provisions after the Debtors receive a discharge and the

Page: 4  
Debtor: William Carl Muller, Anita Marjorie Muller  
Case No.: 18-30084-JKS  
Caption of Order: CONSENT ORDER ADDRESSING PAYMENT OF ESCROW ON  
TOTAL DEBT CLAIM OR IN THE ALTERNATIVE VACATING THE  
AUTOMATIC STAY

---

entry of a final decree, Secured Creditor shall proceed with default remedies under the terms of the Note and Mortgage and pursuant to applicable state law.

5. The acceptance by Secured Creditor of a late or partial payment shall not act as a waiver of Secured Creditor's right to proceed hereunder.

6. The terms of this Consent Order are contingent upon the confirmation of the Debtors' forthcoming modified Chapter 13 plan. The terms of this Consent Order shall be incorporated into any amended plan and/or the order of confirmation. In the event of any discrepancy between the terms of this Consent Order and the terms of the Debtors' modified Chapter 13 plan, the terms of this Consent Order shall control the treatment of Secured Creditor's claim.

7. In the event the Debtors' case is dismissed or converted to any other chapter under Title 11 of the United States Bankruptcy Code prior to completion of the Debtors' Chapter 13 Plan payments, receipt of a discharge, and entry of a final decree, the terms of this Consent Order shall be void and Secured Creditor shall retain its lien in the full amount due under the Note.

8. In the event the Debtors seek to sell the Property prior to the Debtors' receipt of a discharge and entry of a final decree, the parties shall retain all rights under 11 U.S.C. § 363. In the event the Debtors sell the Property or seek to prepay Secured Creditor's Secured Claim prior

Page: 5  
Debtor: William Carl Muller, Anita Marjorie Muller  
Case No.: 18-30084-JKS  
Caption of Order: CONSENT ORDER ADDRESSING PAYMENT OF ESCROW ON  
TOTAL DEBT CLAIM OR IN THE ALTERNATIVE VACATING THE  
AUTOMATIC STAY

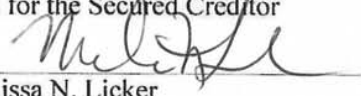
---

9. to the Debtors' receipt of a discharge and entry of a final decree, Secured Creditor shall retain its lien in the full amount due under the Note.

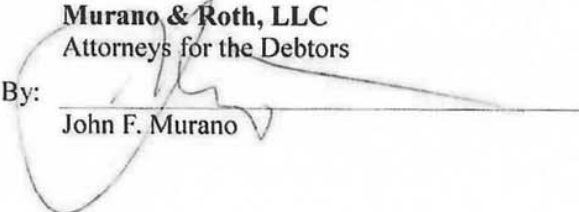
10. Secured Creditor shall not be required to release the loan from bankruptcy status and release its lien on the Property statements until entry of a Chapter 13 discharge order and the close of the Debtor's Chapter 13 case. Upon the entry of a Chapter 13 discharge order and the close of the Debtor's Chapter 13 case, Secured Creditor shall have thirty (30) days to release the loan from bankruptcy status and commence steps toward releasing its lien on the Property.

Consent to Form and Entry

**McCalla Raymer Leibert Pierce, LLC**  
Attorneys for the Secured Creditor

By:   
Melissa N. Licker

**Murano & Roth, LLC**  
Attorneys for the Debtors

By:   
John F. Murano

In re:  
William Carl Muller  
Anita Marjorie Muller  
Debtors

Case No. 18-30084-JKS  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Jan 22, 2021

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 24, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ William Carl Muller, Anita Marjorie Muller, 219 Highland Avenue, River Vale, NJ 07675-5520

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 24, 2021

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 22, 2021 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Frank J Martone	on behalf of Creditor PNC BANK N.A. bky@martonelaw.com
John F. Murano	on behalf of Debtor William Carl Muller john@muranoroth.com vicky@muranoroth.com; muranojr90959@notify.bestcase.com
John F. Murano	on behalf of Joint Debtor Anita Marjorie Muller john@muranoroth.com vicky@muranoroth.com; muranojr90959@notify.bestcase.com
Laura M. Eggerman	on behalf of Creditor U.S. Bank National Association as Trustee for Banc of America Funding 2009-FT1 Trust, Mortgage Pass-Through Certificates, Series 2009-FT1 bkyecf@rasflaw.com, bkyecf@rasflaw.com; legerman@rasnj.com

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Jan 22, 2021

Form ID: pdf903

Total Noticed: 1

Marie-Ann Greenberg

magecf@magtrustee.com

Melissa N. Licker

on behalf of Creditor U.S. Bank National Association as Trustee for Banc of America Funding 2009-FT1 Trust, Mortgage  
Pass-Through Certificates, Series 2009-FT1 as serviced by Nationstar Mortgage LLC d/b/a Mr. Cooper  
NJ\_ECF\_Notices@mccalla.com, mcallaecf@ecf.courtdrive.com

Phillip Andrew Raymond

on behalf of Creditor U.S. Bank National Association as Trustee for Banc of America Funding 2009-FT1 Trust, Mortgage  
Pass-Through Certificates, Series 2009-FT1 phillip.raymond@mccalla.com, mcallaecf@ecf.courtdrive.com

Rebecca Ann Solarz

on behalf of Creditor PNC BANK N.A. rsolarz@kmlawgroup.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10